

Metropolitan General Sessions Court

2005

Annual Report

&

Overview



Davidson County, Tennessee

www.gscourt.nashville.gov

The Court

Division I



Gale B. Robinson
Phone: 862-5571
Room 151
Ben West Building

Division II



Dan Eisenstein
Phone: 880-3683
Suite 142
501 Great Circle Road

Division III



William J. Faimon
Phone: 862-8300
Room 119
Ben West Building

Division IV



Gloria A. Dumas
Phone: 862-8300
Room 120
Ben West Building

Division V



John P. Brown
Phone: 880-3672
Room 157
Ben West Building

Division VI



Michael F. Mondelli
Phone: 862-8300
Room 124
Ben West Building

Division VII



William E. Higgins
Phone: 880-3672
Room 160
Ben West Building

Division VIII



Leon Ruben
Phone: 862-8300
Room 126
Ben West Building

Division IX



Sue McKnight Evans
Phone: 880-3672
Room 153
Ben West Building

Presiding Judge

Division X



Casey E. Moreland
Phone: 862-5571
Room 151
Ben West Building

Division XI



John Aaron Holt
Phone: 880-3683
Suite 142
501 Great Circle Road

Administrative



COURT ADMINISTRATOR

WARNER HASSELL

100 James Robertson Parkway
Suite 3
862-8317

ASSISTANT TO THE ADMINISTRATOR



GINA FOX

INFORMATION SYSTEM ANALYST



BRAD FREEMAN

ADMINISTRATIVE STAFF

JOYCE SEARCY
BECKY HAHN
ANGIE VON MANN
SUZETTE WELLS
SANDRA CAMPBELL
SHALITA STADAKER
DELMA AGUILAR

SECURITY OFFICER COORDINATOR



JOHN RUCKER

Related Departments

Probation Department

Room 21 Ben West Building 862-8380
Les Mondelli, Director

D.U.I. School & Safety Center

430 Third Avenue North 862-8355
Dr. Margaret Reynolds, Director

Traffic Violations Bureau

501 Great Circle Road 862-5222

Traffic School

Room 108 501 Great Circle Road 862-8345
Wayne Curry, Director

Clerk's Offices

Criminal Division, 100 James Robertson Pky 862-5602
Civil Division, 501 Great Circle Road 862-5195

Metro Court

501 Great Circle Road 862-5219

Sheriff's Department

506 2nd Avenue North 862-8170

District Attorney General

Washington Square Building 862-5500

Public Defender

404 James Robertson Parkway, Ste. 2022 862-5730

Night Court Commissioners

Criminal Justice Center 862-8304



STEVE HOLZAPFEL



TOM NELSON



GERALD BURKETT



HOWARD TARADASH



CAROLYN PIPHUS

Judicial Services 'round the clock'

Five judicial commissioners--each possessing the qualifications of a judge--comprise what is known collectively as "Night Court," a viable and productive extension of the General Sessions Court.

The identifying label is derived from the fact that the commissioners preside over proceedings that take place after normal business hours. But it is misleading in that the panel is actually on duty **24 hours a day, 365 days a year**, serving a broad range of functions relevant to the criminal judicial process.

In addition to their other job responsibilities, the commissioners:

- Conduct probable cause hearings, issue warrants and set bail bonds in criminal cases
- Determine probable cause for judicial committals from county psychiatric facilities
- Issue ex parte orders of protection, as well as citations for violations of such orders
- Issue property seizure warrants upon probable cause

Each commissioner is appointed by the court for a one-year term that dictates seven-day work weeks and alternating eight-hour work shifts with no annual leave sick time or holiday leave time.

Here is an overview of the commissioners' activity for the 2005 reporting period:

warrants & citations issued 83,747
emergency committals 7,393
ex parte orders of protection 3,657
order of protection violations 558

INTERNET SERVICES

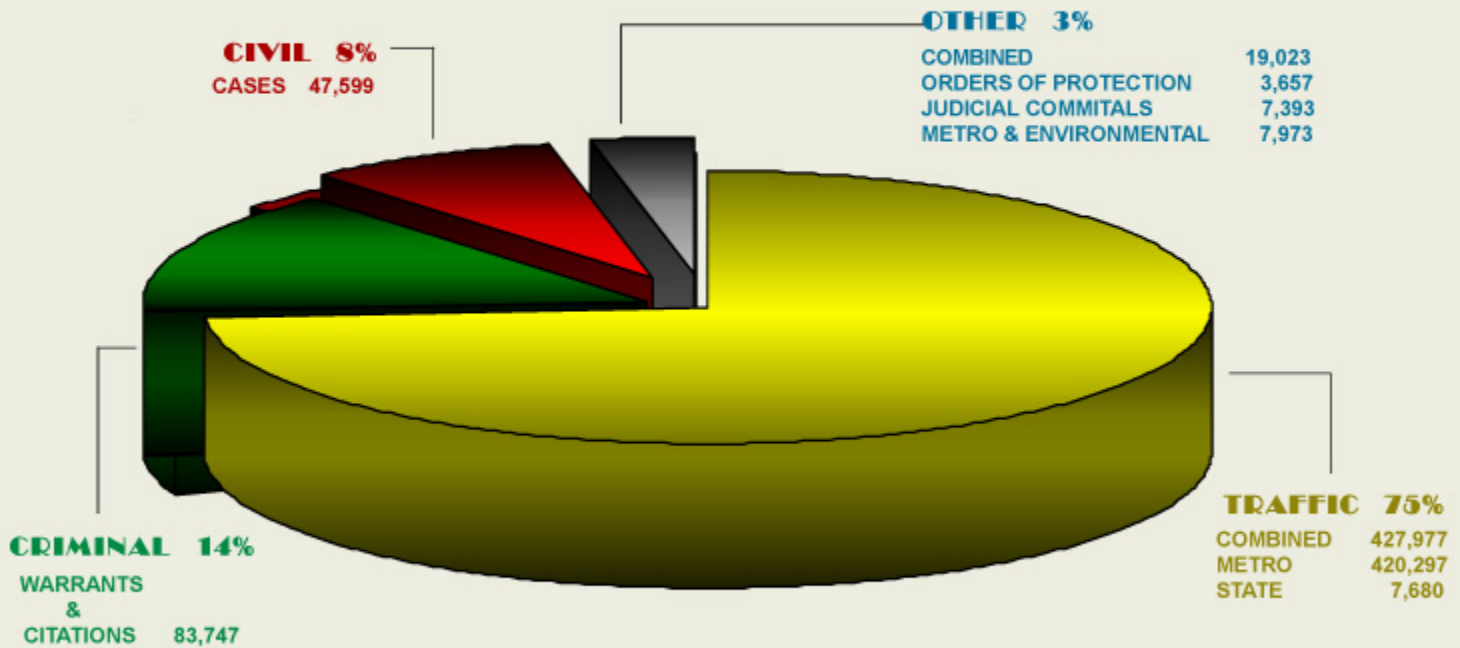
Information regarding all services of the General Sessions Court, can be found on-line. For information regarding civil cases the address is www.nashville.gov/circuit/sessions. For information regarding criminal matters the address is www.nashville.gov/cc. From there, you can link to such topics as court dockets, judges' schedules, local rules, fees and downloadable forms.

The Court's website is www.gscourt.nashville.gov.



To Request An Accommodation call 862-8317

CASELOAD OVERVIEW



JURISDICTION

It is estimated that one of every ten Davidson Countians each year require the services of the local court system. Because of its broad range of jurisdiction, the General Sessions Court often is the public's first introduction to the judicial process. Consequently, it has frequently been described as "the court of first resort."

While the tribunal is not classified as a "court of record" and provides no written transcript of its proceedings, its decisions in all matters are subject to appeal under the rules of due process. Historically, however, less than 1 percent of the court's decisions have been challenged at the appellate level.

The chart below shows the areas of law under the court's jurisdiction:

| | |
|-----------------|--|
| CIVIL | <ul style="list-style-type: none"> ♦ COMPLAINTS WITH A LIMITED VALUE OF \$15,000 ♦ ORDERS OF PROTECTION ♦ MENTAL HEALTH (INVOLUNTARY COMMITMENT) ♦ TUBERCULOSIS TREATMENT (NON-COMPLIANCE) |
| CRIMINAL | <ul style="list-style-type: none"> ♦ CASES IN WHICH THE APPLICABLE PENALTY IS NO MORE THAN 11 MONTHS, 29 DAYS ♦ PRELIMINARY HEARINGS ♦ AMOUNT AND CONDITIONS OF ALL APPEARANCE BONDS ♦ FORFEITURE OF PROPERTY USED IN COMMISSION OF CRIME ♦ ISSUANCE OF SEARCH WARRANTS |
| METRO ORDINANCE | <ul style="list-style-type: none"> ♦ TRAFFIC LAW VIOLATIONS ♦ ALL OTHER COUNTY ORDINANCE VIOLATIONS |
| ENVIRONMENTAL | <ul style="list-style-type: none"> ♦ ANIMAL CONTROL ♦ HOUSING CODE VIOLATIONS ♦ BUILDING CODE VIOLATIONS ♦ HEALTH CODE VIOLATIONS |

THE DOCKETS

Perhaps no branch of the judiciary demands more diverse legal knowledge of its jurists than the General Sessions Court—a fact punctuated by the variety of cases requiring resolution on a daily basis. From the most minor of traffic offenses to the ultra sensitive attachment of the mentally challenged, the court provides legal remedy to many of life's common problem issues at an alarming rate of annual increase.

Since 1986 when the average annual caseload per judge was 26,960, the demand on the court soared to 52,577 cases per judge in 2005. The increasing strain of the county's socio-economic fiber and population growth are seen as the main factors in the jump and even greater numbers are projected for the future.

Here is a general overview of how cases are scheduled for regular disposition of the court:

DAILY CRIMINAL BOND DOCKETS
 DAILY TRAFFIC DOCKETS
 DAILY CIVIL DOCKETS
 DAILY DRIVER LICENSE DOCKETS
 DAILY ORDER OF PROTECTION DOCKETS
 DOMESTIC VIOLENCE DOCKET
 ENVIRONMENTAL DOCKET
 EMERGENCY COMMITTALS
 SPECIAL COMMITTALS
 STATE TRAFFIC DOCKETS
 FELONY DRUG DOCKETS
 MENTAL HEALTH DOCKETS
 DRUG COURT

Additionally, judges perform many other related duties off the bench—functions that do not show up in statistical columns, such as performing weddings, attending judicial conferences, holding committee meetings and serving on legislative boards.

Affiliated Services

The General Sessions Court provides a variety of services beyond the boundaries of the courtroom, impacting social and economic benefits to the community. In-depth descriptions of the court's most widely used programs appear on the pages ahead. Through words and pictures, this report is intended to provide total insight into the county's most utilized branch of the judiciary.

Future Home



Architectural rendering of new downtown building that will house all General Sessions operations in June 2006.

Credits

COMPOSITION

Gene Baker

PHOTOS

Gary Layda
Angie Von Mann

ARTICLES

Margaret Reynolds
Wayne Curry
Ed Ryan
Les Mondelli
Scott Yates
Gene Baker

STATISTICS

Warner Hassell
Margaret Reynolds
Les Mondelli
Ed Ryan

REVIEWS

Court Budget
The Dockets
Jurisdiction
Night Court

IN-DEPTH REPORTS

Traffic Safety Center
Probation Department
Environmental Court
Mental Health Court
Drug Court



Specialty Courts Addressing Community Issues

Mental Health

In July 2000, the General Sessions Court was awarded a four-year Edward Byrne Memorial Grant establishing a Mental Health Court for Davidson County.

The court became operational in January 2001, thereby becoming only the fifth such court in the nation.

The grant application was developed in conjunction with the Public Defender's Office with the full support of the District Attorney General's Office.

Judge Dan Eisenstein, the newest member of the court who specialized in mental health cases during his career in private practice, presides over the court, which meets five days a week to address the ongoing needs of jurisdictional defendants.

Stephen Murff is the program manager of the court.

Currently, the court employs three full-time mental health specialists--Kate Chaffin, Kelly Mills and Kim Smith--who provide ongoing professional assistance to those defendants being supervised by the court.

Studies have consistently shown that persons suffering from a serious or persistent mental illness and/or developmental liabilities do not respond well to the traditional sanctions imposed in the adversarial environment of the criminal justice system.

Consequently, this population has typically been subjected to longer periods of incarceration and has experienced higher rates recidivism than the general public as a whole.

In an effort to overcome these costly problems, persons from the mental health population who are charged with less serious offenses and pose less danger to themselves and others are diverted to the Mental Health Court.



Environmental

ED RYAN, REFEREE

When disputes arise over enforcement of the county's environmental codes, the issues are brought before special General Sessions referee Ed Ryan, who presides over a weekly Environmental Court docket.

The docket was created in October 2001 to address Metro Code violations pertaining to

buildings, trash and debris in neighborhoods and business sites, as well as leash law cases involving nuisance complaints about barking, at-large or vicious dogs.

A double docket call is held each Wednesday at 1 p.m. and 2:30 p.m. in Courtroom IV of the court's temporary quarters in the First Image Building at Metro Center. Environmental, police and animal control violation cases are heard at the 1 p.m. time slot with environmental warrants being addressed at 2:30 p.m.

Each docket is routinely consistent in case numbers with 48 Metro and 59 environmental citations scheduled for the 1 o'clock docket and an average of 60 environmental warrants being disposed of at the 2:30 docket call. The combined Metro and Environment caseload for 2005 was 7,973.

Ryan, a former member of the Metro Police Department and the Davidson County District Attorney General's office, was appointed to preside over the environmental dockets by Division IV Judge Gloria Dumas.

Once there, the individual is assessed and a holistic treatment intervention program is developed to address the multiple issues facing the offender, serving as a catalyst for his/her criminal conduct. Through this comprehensive therapeutic approach, the Court is able to enhance the offender's integration into mainstream society by providing him/her with the resources and support systems for a stable and productive life.

To maximize the effectiveness of this unique process, the court is designed as a collaborative decision-making enterprise among the criminal justice system, local community mental health treatment providers, alcohol and drug treatment providers, vocational rehabilitation, housing and educational counselors and numerous other public and private agencies. Progress with the treatment plan is then closely monitored through the Court's staff, community service agencies, treatment providers and ongoing regularly scheduled court appearances.

The court has approximately 125 defendants under active supervision. Since its inception, more than 200 participants have graduated after having successfully complying with the court's stringent requirements. As a result of its efforts in providing this innovative program, NAMI-Nashville presented the court its 2002 "Ambassador of Hope" award.

Treatment Court Division X

Drawing on a concept that brought national acclaim at the local criminal court level, the General Sessions Court instituted a special docket for drug offenders in Oct. 2003.

Judge Casey Moreland, who gave birth to the idea, presides over the "Treatment Court" each Wednesday at 2 p.m. in Courtroom IV of the Ben West Building.

It is then that certain drug abusers who have been arrested for nonviolent offenses are given opportunities to participate in a three-phase supervised rehabilitation program.

But they come of their accord because the program is available only to those who want help for their addictions.

Since its inception, the number of those opting for the treatment program has grown significantly to 75 active participants.

The court offers an intensive and lengthy program, requiring from 12-18 months to successfully complete.

Some find the rules too rigid and opt to serve jail time for their original offenses. Others subject themselves to electronic monitoring, four-times-a-week drug testing, alcohol monitoring and half-way house residency while taking classes in anger management, life skills and job readiness. Classes also are offered to those wishing to earn their GED diplomas.

In 2005, the county realized a \$1.07 million savings in incarceration fees with participants logging 19,583 days in alternative jail time.

There are numerous members of the Treatment Court team who play key roles in the recovery of each participant. In addition to Judge Moreland, members of the team include Probation Officers, Public Defender, District Attorney, Case Managers, Electronic Monitoring, the Davidson County Sheriff's Department, the Metro Police Department and several treatment providers around the Nashville area.

Moreland says he is hoping that not only will this court continue to treat drug/alcohol addictions but also will lower the recidivism rate of the original Drug Court.



2005 Program Overview

ACTIVE PARTICIPANTS

| | |
|-----------------|----|
| PHASE I | 33 |
| PHASE II | 13 |
| PHASE III | 14 |

| | |
|--------------------------------|-----|
| TOTAL PARTICIPANTS | 108 |
| REFERRALS | 122 |
| ACTIVE PARTICIPANTS | 60 |
| GRADUATES | 13 |
| ELECTRONIC MONITORING | 26 |
| INPATIENT TREATMENT | 3 |
| HALF-WAY HOUSE PARTICIPANTS .. | 19 |
| SCRAM ALCOHOL MONITORING | 5 |
| TERMINATED FROM PROGRAM | 22 |
| OUTSTANDING WARRANTS | 13 |

Traffic Safety Instruction

A state licensed Training Agency of the National Safety Council, the General Sessions Court Traffic School is part of the court's approach to promoting safer driving habits among Davidson County's motoring public.

Traffic Safety classes serve as educational alternatives to monetary retribution but are self-sustained and contribute a profit to Metro Government's General Fund through the collection of enrollment fees. The revenue of the Traffic Safety School was \$2.3 million in 2004 and exceeded \$2.4 million in 2005.

The court provides defensive driving courses to the Davidson County Public Schools through Lifetime Wellness Class curriculum. Currently the General Sessions Traffic School is teaching in 9 Davidson County High

Schools. In 2003, 2,116 Metro high school students graduated from the National Safety Council's Alive at 25 curricula. In 2004, 2300 students in 9 Metropolitan High Schools enrolled in the Alive @ 25 classes and 1,941 students successfully completed the course and were awarded certificates. In 2005, 2186 students completed the course.

For nine consecutive years, the Safety Center has been recognized by the National Safety Council for its outstanding performance in the administration of defensive driving courses, most recently (2005) receiving "Best Performance" awards for training achievement in Alive at 25 and Honorable Mention in DDC-4 and DDC-8.

(See listing of courses on following page)



DUI Intervention

DR. MARGARET REYNOLDS, DIRECTOR



Mail-In Plan Successful

WAYNE CURRY, SCHOOL DIRECTOR



Since 1984, this state licensed DUI School has been a part of the General Sessions Courts' approach to a comprehensive intervention program for DUI offenders.

DUI law mandates First Offense chemically impaired drivers to enroll in a state licensed DUI School. Since 2000, the nationally researched PRIME for Life curricula has been utilized by General Sessions and Criminal Court Judges through the Safety Center. The Prime for Life Curricula is also offered through Women Only Classes and Spanish Classes.

In August of 2005, the General Sessions Court Judges partnered with Sheriff Daron Hall to offer the Prime for Life curricula to DUI offenders serving their jail time at the Offender Re-Entry Center off Harding Place. In five months, 181 DUI offenders completed the 16-hour program while serving their weekend jail time. MADD provided Victim Impact Speakers as a part of this intervention.

DUI law mandates that second or subsequent offenders receive substance abuse treatment. The Safety Center provides the courts with assessment, referrals for appropriate levels of treatment and clinical case management for the respective probation departments of General Sessions Court and Community Corrections as well as out of county and out of state referrals.

A recidivism study was conducted on graduates of the Safety Center through the collaborate efforts of the Criminal Justice Planning Unit, Justice Integration Services and the Safety Center. All graduates from the year 2002 were reviewed for re-arrests in Davidson County. This would be a two-year study for most and a three-year study for a few.

Through a Meta Analysis in 1990, researchers found the average two year recidivism rate for control groups completing remedial interventions for DUI drivers to be 19%. In comparison, the Safety Center's results were significantly lower:

Low risk first offenders who graduated upon completion of the Prime for Life Curricula had a DUI re-arrest rate of 4.47% and 7.78% for any type of alcohol or drug related offense.

High risk first offenders who completed Prime for Life and subsequent treatment (Level III) had a DUI re-arrest rate of 7.73%

High risk multiple offenders (Level III) who completed treatment referrals had a DUI re-arrest rate of 9.04%

The re-arrest rates for both high risk groups for any type of alcohol or drug related offense were 12.73% and 12.88% respectively. This would suggest that high risk first offenders as a group are being appropriately identified by the clinical staff of the Safety Center.

In partnership with the Metropolitan Police Department and the Traffic Violations Bureau, the Safety Center has successfully integrated the Mail-In program into everyday operations. The intention of the mail-in program is to reduce traffic courtroom caseloads, putting officers back on the street as soon as possible and providing a convenient alternative to Traffic Court. The Mail-In Program has allowed the citizen to be admitted to traffic school without having to alter their daily schedule. The Traffic School is averaging 3,700 individuals who enroll in classes each month.

Scheduled Changes for Traffic School in 2006

A. a new Point-of-Sale system for the Traffic School which allows students to pre-pay for their traffic class, handle e-commerce (credit/debit card) payments, and improve the traffic school accounting system. This reduces registration time and ensures students are in their assigned class. Additionally, this new system will result in substantial dollar saving in the Traffic School budget.

B. the implementation of an "ON-LINE" traffic school course for both the two-hour First Offender Class(FOT) and the four-hour DDC4 class through the National Safety Council is scheduled to go online in early 2006. Once an individual is approved for class, they are able to pre-pay in the office as they come out of court or use their mail-inform, get approved, go on-line and complete their traffic school in their home, office or any place of convenience. The On-Line School process will allow those from other locations and receiving moving violations in Nashville, TN to complete their Court Approved Traffic School from a destination of their choosing within a 30 day period. If the offender will use a computer and go to Nashville.Gov and click on "General Sessions Court" and then click on "Traffic School" and then click the Traffic School Logo they will be able to register, pay and either take the school online or be given the class for which they are eligible (A-25, DDC-8 or ADD-8). On-Line Spanish traffic school classes are not available at this time but will be in the future. Spanish students must still attend the class in person to receive credit.

C. the implementation of the Attitudinal Dynamics of Driving (ADD-8) class will soon be introduced as part of the curriculum offering. This class is designed for Court referrals, diversion program for drivers with excessive violations and to retrain drivers with poor driving records

Traffic Safety Courses

FIRST OFFENDER (2-Hour)—a two-hour curriculum covering traffic safety rules and consequences, including laws on seat belts, child restraint, speeding, dui and most commonly committed traffic offenses.

DEFENSIVE DRIVING (4-Hour)—certified by the National Safety Council, this course teaches the importance of safety belts and other restraints, dangers of speeding, proper following distance and effects of alcohol and drugs.

DEFENSIVE DRIVING (8-Hour)—a more intensive version of the 4-hour course with emphasis on preventing traffic deaths and injuries.

Alive at 25 (4-Hour)—designed to reduce risk-taking behavior of young people 15-24 years of age. Utilizes video tapes and group discussions.

LIFETIME WELLNESS (Two, 4-Hour)—a public school classroom program under the direction of the Metro Safety Center that offers students both Alive at 25 and DDC-4 courses for credits.

| TRAFFIC SAFETY CLASSES | COURTROOM | | METRO SCHOOLS | |
|----------------------------|-----------|--------|---------------|-------|
| | 2004 | 2005 | 2004 | 2005 |
| Defensive Driving (4-Hour) | 5,415 | 8,760 | | |
| Defensive Driving (8-Hour) | 2,414 | 3,046 | | |
| First Offender (2-Hour) | 24,397 | 24,902 | | |
| Alive @ 25 (4-Hour) | 7,672 | 7,476 | 1,941 | 2,186 |

DUI Intervention Programs

PRIME FOR LIFE (PRI)—A 20-hour research-based program for DUI offender education that significantly reduces the rate of recidivism. This course presents the state's DUI laws and up-to-date multi-disciplinary research to assist each student in assessing their personal level of health risk for substance abuse problems. Each student determines their own level of risk and develops an "Individual Risk Reduction Action Plan" prescribed for their specific level of risk. Courses available in Spanish for Hispanic clients, as well as "Women Only" classes.

LEVEL III—A supervised treatment program for offenders who have more than one alcohol-related driving conviction within the past 10 years or first offenders who meet chemical "abuse" or "dependency" criteria. Clients are assessed and referred to appropriate state licensed treatment programs or counseling professionals. Clients pay fees directly to the referral source providing the clinical services.

OUT OF COUNTY—This program is designed specifically for offenders in another county or state. The same placement criteria is used for out of county referrals. Additional placement services may be required by the state of jurisdiction.

NON-AFFILIATED TREATMENT PROGRAMS—In addition to the courses identified here, some programs administered by state licensed agencies or state licensed clinical professionals also are recognized by the court. Information regarding referral to such programs is provided by a counselor at the time of the clinical assessment. Enrollment fees and length of treatment may vary.

| DUI INTERVENTION | GENERAL SESSIONS | |
|------------------|------------------|-------|
| | 2004 | 2005 |
| PRIME FOR LIFE | 2,390 | 2,171 |
| LEVEL III | 859 | 724 |
| OUT OF COUNTY | 157 | 102 |



Probation

Making Community A Safer Place to Live

LES MONDELLI, DIRECTOR

The Probation Department for the General Sessions Court of Davidson County has the responsibility of ensuring that probationers comply with the conditions of court-ordered probation. While working toward that goal, the department's efforts are spent making the community a safer place to live.

Under the program, qualified individuals may be required to attend and complete alcohol and drug, anger management and shoplifting classes, participate in self-help group therapy, pay restitution to victims and perform community service work.

With a staff of 35 (including those assigned to the department's Electronic Monitoring program), the Probation Department supervised **5,001** clients within the community in 2005. Convicted misdemeanants and both pre-trial and post-trial felons from the county's criminal courts helped make up that figure.

A total of **\$31,822** in drug-testing fees was collected to defray the costs of the program. Another **305** clients were assessed in-house for alcohol and/or drug issues with **187** of those requiring some type of treatment. The assessments were conducted by members of the treatment community and the DUI School as no cost to the individual clients.

There were an estimated **75,000** hours of community service performed at various non-profit agencies with **\$132,993** being collected in court-ordered restitution for victims.

While saving substantial jail incarceration fees, the Electronic Monitoring program collected **\$61,081** in monitoring fees.

No value can be placed on the amount of work done with individuals coming through the department for assistance in becoming law abiding citizens. As the court's extension into the community, probation and monitoring strive to make our community a better and safer place to live.

Overview of Services

| | |
|--------------------------|-----------|
| Total Caseload | 5,001 |
| Average Per Officer | 225 |
| Restitution | \$132,993 |
| Screenings | 6,536 |
| Drug/Alcohol Assessments | 305 |
| Referred for Treatment | 187 |
| Public Service Hours | 75,000 |

2005



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Length of Probation

Chart reflects the number of defendants under the department's supervision, broken down as to length of court-ordered probation.